

2023:PHHC:108150

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

127

CR-3427-2023

Date of Decision: 17.08.2023

Dalbir Singh

..... *Petitioner*

Vs.

Kamla Devi

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Pawan Attri, Advocate for the petitioner.

GURBIR SINGH, J. (ORAL)

1. Challenge in this petition is for setting aside the impugned order dated 26.04.2023 (Annexure P-1) passed by the Principal Judge, Family Court, Kurukshetra whereby an application under Section 24 moved by the respondent has been allowed and the petitioner has been directed to pay Rs. 8000/- per month as maintenance pendente lite and Rs. 5500/- as litigation expenses to the respondent from the date of application.

2. The brief facts of the case are that marriage of the petitioner and the respondent was solemnized in June 1986 and four children were born out of the said wedlock. As per the version of the petitioner, respondent-wife left his company and petitioner has filed petition for divorce under Section 13 of Hindu Marriage Act on the ground of desertion.

3. During the pendency of the petition, application under Section 24 of the Hindu Marriage Act was filed. Counsel for the petitioner has submitted that he is paying a loan installment of Rs.9000/- per month and Rs.10,000/- per month towards house rent. He has further submitted that the petitioner is suffering from various ailments like blood pressure and

also met with an accident about two years ago. A sum of Rs.8000/- is being spent on his medicines. The petitioner has engaged a sweeper to clean the rented premises and he is paying Rs.5000/- per month for the same. Thus, he has left with only Rs.7000/- per month whereas respondent-wife is doing the work of sewing clothes and earning Rs.30,000/- per month. The petitioner being old person is not in a position to pay the maintenance pendente lite and litigation expenses to the respondent.

4. I have heard the learned counsel for the petitioner. It is the case of petitioner that he is getting pension of Rs.24,000/- per month and he is getting salary of Rs.15,000/- per month by joining job of security guard. The learned court held that in the absence of any evidence, it cannot be held that she is earning Rs.30,000/- per month. The monthly expenditure explained by the petitioner itself proves that petitioner is leading a quality life, so his wife is also entitled to enjoy the same status and have same facilities which her husband is enjoying.

5. Although income of the petitioner is Rs.39,000/- per month but only a sum of Rs.8000/- per month is granted as maintenance pendente lite which is a meager amount in these days of high prices to keep soul and body together and therefore, I don't find any infirmity in the order passed by the learned trial Court.

6. Petition stands dismissed.

(GURBIR SINGH)
JUDGE

17.08.2023.
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